IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

CRP.No. 172 of 2006

AGAINST THE ORDER DATED 12/11/2004 IN IA 5105 2004 IN OS.314/2000 of I ADDL.SUB COURT,TRIVANDRUM

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REVN. PETITIONER:

SREEDEVI AMMA, D/O.SAROJINI AMMA,
RESIDING AT NEW T.C.NO.53/988,
PONNUMANGALAM WARD, SREE MANDIRAM VEEDU,
NEMOM P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.N.NAGARESH

RESPONDENTS:

SHAJI, S/O.VIJAYAN, RESIDING AT
NP 2/352, VALIYATHOTTAM VEEDU,
PONNUMANGALAM, NEMOM, THIRUVANANTHAPURAM.

BY ADV. SRI.D.KISHORE

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 01/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J.

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C.R.P.NO.172 OF 2006

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Dated this the 1st day of February 2007

ORDER

This civil revision petition is preferred against the order of the Additional Sub Court, Thiruvananthapuram in I.A.5105/2004 in O.S.No.314/2000. The plaintiff filed a suit for recovery of money from the defendant. Since the defendant did not properly prosecute the matter, an ex-parte decree was passed. Subsequently, the ex-parte decree was set aside on condition that the defendant pays an amount of Rs.1,500/- to the Legal Services Authority and there was a stipulated time for the said payment. On the last day, the present revision petitioner moved an application for extension of the said period. It was disallowed and against that the present CRP is filed. There is a delay of 343 days in filing the CRP. Along with the revision petition, the petitioner has produced documents to show that in May 2005 she had sustained a compound fracture on the leg and she had undergone prolonged treatment and that had prevented her from filing the revision petition in time. It is true that there was no disability for her between November and April. I am informed that the suit is one for realisation of large amount and there are

bonafide contentions raised in the case. Therefore, in the interest of justice I condone the delay as well as I grant time till 20th of February, 2007 for the revision petitioner to deposit the amount ordered by the trial court for setting aside the ex-parte decree.

2. If the said amount is deposited within time, the trial court shall restore the suit back to file and the defendant has to co-operate fully with the trial court for early disposal of the case and the trial court shall dispose of the matter within ten weeks from the date of first appearance of the parties. If the amount is not paid within the stipulated time, it is made clear that no further period or extended period will be available to the revision petitioner and the civil revision petition will stand automatically dismissed.

CRP is disposed of accordingly.

M.N.KRISHNAN, JUDGE

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